

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division

LAMONT BOOKER,
Petitioner,

v.

Civil No. 3:23cv248 (DJN)

UNKNOWN,
Respondent.

MEMORANDUM OPINION


Petitioner, a Virginia inmate proceeding *pro se*, submitted a letter to the Court raising challenges to his state conviction and asking, “how can I get my case in federal court?” (ECF No. 1, at 2.) By Memorandum Order entered on April 19, 2023, the Court explained that it could not provide Petitioner with legal advice. (ECF No. 2.) Nevertheless, given the content of the letter, the Court determined that it was appropriate to give Petitioner the opportunity to pursue this action as a petition for a writ of habeas corpus under 28 U.S.C. § 2254. *Rivenbark v. Virginia*, 305 F. App’x 144, 145 (4th Cir. 2008). The Clerk mailed Petitioner a standardized form for filing a § 2254 petition. The Court directed Petitioner to complete and return the standardized form within thirty (30) days if he wished to proceed under § 2254. (ECF No. 2.)

More than thirty (30) days have elapsed, and Petitioner has not completed and returned the standardized form or otherwise responded to the April 19, 2023 Memorandum Order.

Accordingly, the petition will be DISMISSED WITHOUT PREJUDICE. A certificate of appealability will be DENIED.

An appropriate order will accompany this Memorandum Opinion.

Let the Clerk file a copy of the Memorandum Opinion electronically and send a copy to Petitioner.

_____/s/ 
David J. Novak
United States District Judge

Richmond, Virginia
Dated: June 7, 2023